

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JERRY D. McCORVEY

PLAINTIFF

v.

CAUSE NO. 1:10CV479-LG-RHW

US FOOD SERVICE, INC.

DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT
AND RECOMMENDATION**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation [22] entered by United States Magistrate Judge Robert H. Walker. Judge Walker recommends that this lawsuit should be dismissed without prejudice for failure to prosecute.

McCorvey, by and through his attorney of record, was advised that he must file any objections to Judge Walker's recommendations within fourteen days of being served with a copy of the Proposed Findings of Fact and Recommendation, but he has not filed an objection.

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendations, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's

Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Proposed Findings of Fact and Recommendation entered by Judge Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [22] entered by United States Magistrate Judge Robert H. Walker on January 27, 2012, be, and the same hereby is, **ADOPTED** as the finding of this Court. This lawsuit is hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED AND ADJUDGED this the 17th day of February, 2012.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE